

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE CAPACITORS ANTITRUST
LITIGATION**

**MDL No. 3:17-md-02801-JD
Case No. 3:14-cv-03264-JD**

**THIS DOCUMENT RELATES TO:
ALL INDIRECT PURCHASER ACTIONS**

**~~[PROPOSED]~~ FINAL JUDGMENT OF
DISMISSAL WITH PREJUDICE AS TO
SHINYEI DEFENDANTS**

The Court previously granted final approval of the class settlement between the Indirect Purchaser Plaintiffs and defendants Shinyei Technology Co., Ltd. and Shinyei Capacitor Co., Ltd. (Shinyei), and Taitso Corp. (Taitso). MDL Dkt. No. 1665. The Court further found, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, that final judgments of dismissal with prejudice as to the settling defendants should be entered, and that there was no just reason for delay in the entry of the final judgments in accordance with the Settlement Agreements. *Id.* Accordingly, the Court enters judgment, which constitutes a final adjudication of the IPPs' action on the merits as to Shinyei, in accordance with the terms of the Settlement Agreement between the IPPs and Shinyei, dated June 4, 2021.

IT IS CONSEQUENTLY ORDERED THAT:

1. The Court has jurisdiction over the subject matter of this litigation, the actions within this multi-district litigation, and the parties to the Settlement Agreements, including all members of the Settlement Class.

2. For purposes of this Judgment, except as otherwise set forth herein, the Court incorporates the definitions contained in the Settlement Agreement. Specifically, "Class," as defined in the Settlement Agreement, means:

All persons and entities in the Indirect Purchaser States (as defined herein) who, during the period from January 1, 2002, to February 28, 2014, purchased one or more Capacitor(s) from a distributor (or from an entity other than a Defendant) that a Defendant or alleged co-conspirator manufactured. Excluded from the Class are Defendants; their parent companies, subsidiaries and Affiliates; any co-conspirators; Defendants' attorneys in this Action; federal government entities and instrumentalities, states and their subdivisions; all judges assigned to this Action; all jurors in this Action; and all Persons who directly purchased Capacitors from Defendants.

"Indirect Purchaser States" means California, Florida, Michigan, Minnesota, Nebraska, and New York.

3. Those persons and entities identified in **Exhibit A** were validly excluded from the Class. MDL Dkt. No. 1665. These persons and entities are not included in or bound by this Judgment, and they are not entitled to any recovery of the settlement proceeds obtained in connection with the Settlement Agreement.

6. The Releasees are released from all Released Claims as defined in the Settlement Agreement.

- a. implementation of these settlements and any distribution to Class members pursuant to further orders of this Court;
- b. disposition of the Settlement Fund;
- c. determining attorneys' fees, costs, expenses, and interest;
- d. the Action until Final Judgment contemplated hereby has become effective;
- e. hearing and ruling on any matters relating to the plan of allocation of settlement proceeds; and
- f. all parties to the Action and Releasing Parties, for the purpose of enforcing and administering the Settlement Agreement and the mutual releases and other documents contemplated by, or executed in connection with, the Agreement.

8. This document constitutes a final judgment and separate document for purposes of Rule 58(a).

Dated: May 10, 2022

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EXHIBIT A**Requests for Exclusion from Shinyei Settlement**

| <u>Name</u> | <u>Exclusion Request Timely</u> |
|---|--|
| James Tylman | Yes |
| Dell Inc. on behalf of itself and its wholly-owned subsidiaries | Yes |
| William B Higinbotham | Yes |